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PTO/SB/97 (08-03)

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on July 2, 2004

Date

  
Signature

PATTI HESPELL

Typed or printed name of person signing Certificate

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1. Certificate of Transmission (1 pg.)
2. 37 CFR 1.28(c) Notification (2 pgs.)
3. Fee Transmittal in duplicate (2 pgs.)
4. Amendment (14 pgs.)
5. Transmittal (1 pg.)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T702-00

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JUL 02 2004

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8)****PATENT**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax No. 703-872-9306) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Date: 7/02/04
  
 Patti Hespell
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION SERIAL NUMBER	09/204,888	FILING DATE	03 DEC 1998	ATC DIST NO	T702-00 (8887-3002)
FIRST NAMED INVENTOR	ELDERING	ART UNIT	2611	EXAMINER	BUI, KIEU OANH T
TITLE					SUBSCRIBER CHARACTERIZATION SYSTEM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 CFR 1.28(c))**

The above noted patent application was filed and prosecuted as a small entity. While the assignee of the patent application is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame.

Pursuant to 37 CFR 1.27(g)(1) once a small entity status has been established in an application, the entity may pay the small entity fees without regard to any change in status until payment of issue fee or any maintenance fee at which time a new determination is required. Since the small entity status was correctly established prior to the license to NLC, there is no need for correction. However, Applicant desires to correct the record so that small entity fees were only paid when Expanse was entitled to such (all periods excluding the term of the license).

Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during the term of the license. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

**37 CFR 1.28(c) Notification**

07/13/2004 00000001 501535 09204888

-1-

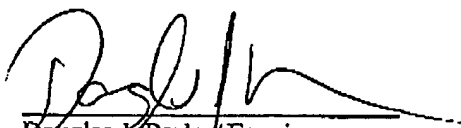
Patent Application No. 09/204,888

01 FC:2201	136.00 0A
02 FC:2202	305.00 0A

Item	Date	Small Entity Fee Paid	Current Large Entity Fee	Amount to be Paid
Amendment - Additional Claim Fees (34 Claims)	03/02/00	\$306	\$612	\$306
Additional Ind. Claim Fees (1 Claim)	03/02/00	\$39	\$86	\$47
Amendment - Additional Claim Fees (4 Claims)	03/07/00	\$36	\$72	\$36
Amendment - Additional Ind. Claim Fees (1 Claim)	03/07/00	\$39	\$86	\$47
TOTAL				\$436

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,

  
Douglas J. Rydery Esquire  
Reg. No. 43,073

Date: July 2, 2004

Expanse Networks, Inc.  
6206 Kellers Church Road  
Pipersville, PA 18947  
Phone: (215) 766-2100  
Fax: (215) 766-2920

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 436.00)

**Complete if Known**

Application Number	09/204,888
Filing Date	3 DEC 1998
First Named Inventor	ELDERING
Examiner Name	BUI, KIEU OANH T
Art Unit	2611
Attorney Docket No.	T702-00 (FORMERLY 8887.3002)

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number	601535
Deposit Account Name	EXPANSE NETWORKS, INC.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	18	Extra Claims	Fee from below	Fee Paid
Independent Claims	4	56** =	9.00	
Multiple Dependent		6** =	43.00	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b>

\*\*or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) 37CFR 1.28(c) Notification			436.00
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3)</b>			<b>(\$ 436.00)</b>

**SUBMITTED BY**

Name (Print/Type)	Douglas J. Ryder	Registration No. (Attorney/Agent)	43,073	Telephone	215-766-2100
Signature		Date	7/02/04		

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